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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 United States of America,) 2:05-cr-00889-RSWL
12 Plaintiff,)
13 vs.) **Order re: Petitioner's**
14) **Letter [155] Construed**
15 Santiago Curiel,) **as a Motion for**
16) **Reconsideration**
17 Defendant.)
18)
19)
20)

20 Before the Court is a Letter [155] from Petitioner
21 Santiago Curiel, which the Court construes as a Motion
22 for Reconsideration of the Court's October 2, 2014
23 Order [154] Denying Petitioner's Motion to Appoint
24 Counsel [152]. See Estelle v. Gamble, 429 U.S. 97, 106
25 (1976). Petitioner's Motion for Reconsideration
26 ("Motion") [155] requests the Court to appoint counsel
27 to assist Petitioner with an 18 U.S.C. § 3582(c)(2)
28 motion based upon the newly effective Amendment 782 to

1 the United States Sentencing Guidelines. Pet'r's Mot.
2 ("Mot.") 1.

3 The Court, having reviewed all papers submitted and
4 pertaining to this Motion, and finding that further
5 briefing is not necessary on this matter, **NOW FINDS AND**
6 **RULES AS FOLLOWS:** The Court **DENIES** Petitioner's Motion
7 [155].

8 I. BACKGROUND

9 On September 26, 2014, Petitioner filed a Motion
10 for Reduction/Modification of Sentence [151] pursuant
11 to 18 U.S.C. 3582(c)(2) and based on Amendment 782. On
12 the same day, Petitioner also filed a Motion to Appoint
13 Counsel [152] to assist him in bringing a 3582 Motion.

14 On October 2, 2014, the Court denied [153]
15 Petitioner's 3582 Motion because Amendment 782 was not
16 yet effective and, even if effective, Amendment 782
17 would not lower Petitioner's sentence because
18 Petitioner's sentence was based on the career offender
19 guidelines and Amendment 782 does not affect the career
20 offender guideline ranges. Order re: Mot.

21 Reduction/Modification Sentence 3:14-5:15, Oct. 2,
22 2014, ECF No. 153. On the same day, the Court also
23 denied [154] Petitioner's related Motion for
24 Appointment of Counsel, finding that Petitioner was not
25 entitled to appointment of counsel and that appointing
26 counsel was not appropriate in Petitioner's case.

27 Order re: Motion to Appoint Counsel, Oct. 2, 2014, ECF
28 No. 154.

1 Petitioner's present Motion [155] again requests
2 the Court to appoint counsel to assist him in preparing
3 a 3582 motion based on Amendment 782. Mot. 1; see
4 Order re: Mot. Reduction/Modification Sentence 3:14-
5 4:14, ECF No. 153.

6 **II. LEGAL STANDARD**

7 "When a party seeks reconsideration of an
8 interlocutory order rather than a final judgment, . . .
9 the motion is governed by Local Rule 7-18." In re
10 Benham, No. 13-cv-00205-VBF, 2013 WL 3872185, at *2
11 (C.D. Cal. May 29, 2013) (citing Lozano v. AT&T
12 Wireless, No. 02-cv-00090-WJR, 2003 WL 25548566, at *1
13 (C.D. Cal. Aug. 18, 2003) ("While Federal Rules of
14 Civil Procedure 59 and 60 permit reconsideration of
15 final judgments, California Central District Local Rule
16 7-18 allows motion for reconsideration 'of the decision
17 on any motion.'"); Union Pacific R.R. Co. v. Coast
18 Packing Co., 236 F. Supp. 2d 1130, 1137 (C.D. Cal. Jan.
19 29, 2002)); see C.D. Cal. L.R. 7-18.

20 Rule 7-18 states that a motion for reconsideration
21 "of the decision on any motion" may be made only on the
22 following grounds:

23 (a) a material difference in fact or law from
24 that presented to the Court before such decision
25 that in the exercise of reasonable diligence
26 could not have been known to the party moving
27 for reconsideration at the time of such
28 decision, or

1 (b) the emergence of new material facts or a
2 change of law occurring after the time of such
3 decision, or

4 (c) a manifest showing of a failure to consider
5 material facts presented to the Court before
6 such decision.

7 C.D. Cal. L.R. 7-18.

8 **III. ANALYSIS**

9 Amendment 782 was not effective on the October 2,
10 2014 date of the Court's Order [154] denying
11 Petitioner's prior Motion to Appoint Counsel, but later
12 went into effect on November 1, 2014. See Mot. 1;
13 Serrano v. United States, No. 1:02-cr-05319-LJO, 2014
14 WL 6773237, at *1 (E.D. Cal. Nov. 10, 2014). Thus,
15 Petitioner properly asserts "a change of law" that
16 occurred after the time of the Court's Order [154].
17 See C.D. Cal. L.R. 7-18.

18 However, this "change of law" is not relevant to
19 the Court's prior Order [154] denying Petitioner's
20 Motion for Appointment of Counsel. See . Order re:
21 Motion to Appoint Counsel 1:28-2:19. In that prior
22 Order [154], the Court found that Petitioner was not
23 entitled to appointment of counsel and that, upon
24 review of Petitioner's 3582 motion and in the
25 discretion of the Court, appointment of counsel in
26 Petitioner's case was not appropriate. Id. In other
27 words, the newly effective nature of Amendment 782 does
28 not alter or affect the Court's analysis in the prior

1 Order [154].

2 Further, the Court's review of Petitioner's 3582
3 motion would not have been different after Amendment
4 782 went into effect because the Court's Order [153]
5 regarding Petitioner's 3582 Motion [151] analyzed
6 Petitioner's 3582 Motion as if Amendment 782 was
7 effective. See Order re: Mot. Reduction/Modification
8 Sentence 3:14-5:15. The Court concluded: "even if
9 Amendment 782 becomes effective, Petitioner is not
10 eligible for a sentence reduction under Amendment 782."
11 Id. at 4:17-19; see, e.g., United States v. Townsend,
12 98 F.3d 510, 512-13 (1996).

13 None of the other grounds under Local Rule 7-18 are
14 asserted or described by Petitioner's Motion.

15 IV. CONCLUSION

16 As there are no valid grounds upon which the Court
17 may reconsider its prior Order [154] denying
18 Petitioner's Motion to Appoint Counsel, see C.D. Cal.
19 L.R. 7-18, Petitioner's Motion for Reconsideration
20 [155] is **DENIED**.

21 **IT IS SO ORDERED.**

22
23 DATED: January 12, 2015

RONALD S.W. LEW

HONORABLE RONALD S.W. LEW
Senior U.S. District Judge